

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING

November 10, 2016

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. Matthew Arnold
Mr. Vince Butler
Mr. John H. Epperson, PE
Mr. Eric Mays
Mr. E.G. Middleton, III
Ms. Joanne D. Monday
Mr. W. Shaun Pharr, Esq.

Members Absent

Mr. W. Keith Brower
Mr. J. Daniel Crigler
Mr. James R. Dawson
Mr. Alan D. Givens
Mr. Joseph A. Kessler, III
Ms. Patricia S. O'Bannon

Call to Order	The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:45 a.m.
Roll Call	The attendance was established by the Secretary, Alan W. McMahan, Secretary, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.
Approval of Minutes	Mr. Epperson moved to approve the revised minutes of the September 16, 2016 meeting as presented in the Review Board members' agenda package. The motion was seconded by Ms. Monday and passed unanimously with Messrs. Butler, Middleton and Pharr abstaining.
Public Comment	The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of Perry Smith; Appeal No. 16-3:

After review and consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Epperson and passed with Messrs. Butler, Middleton and Pharr abstaining.

Appeal of Christopher & Jillian Kiely; Appeal No. 16-1:

After review and consideration, Ms. Monday moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Epperson and passed with Messrs. Butler, Middleton and Pharr abstaining.

Appeal of Sabrina Anderson; Appeal No. 16-5:

After review and consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Ms. Monday and passed with Messrs. Butler, Middleton and Pharr abstaining.

Interpretations

The Review Board considered an interpretation request from the City of Richmond Fire Marshal's Office on the maintenance of vehicles fueled by lighter-than-air fuels in buildings without safety features as described in Section 2311.7 of the 2012 Virginia Statewide Fire Prevention Code. After discussion, Mr. Pharr moved that the Review Board defer its interpretation and direct Review Board staff to contact the State Building Code Office and the State Fire Marshal's Office to request a review of the issue to the Review Board preceding its a formal interpretation on the matter. Mr. Mays seconded the motion and it passed. Mr. William Andrews (City of Richmond Fire Marshal's Office), the applicant of the request, was in attendance.

New Business

Appeal of Robert Jones; Appeal No. 16-2:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the Virginia

Appeal of Robert Jones; Appeal No. 16-2 (cont'd):

Uniform Statewide Building Code and the Virginia Maintenance Code to home at 5029 3rd Street S in Arlington County, owned by Mr. Jones.

In processing the appeal, Review Board staff conducted an informal fact-finding conference with Mr. Jones, his attorney, and staff from the Arlington County Code Compliance Department (Arlington) in attendance. Subsequently, Review Board staff compiled and organized the record in the appeal and then scheduled a hearing on the matter. During the conference, Review Board staff suggested that each code violation, from each of the four code enforcement actions by Arlington, be presented to the Review Board individually for clarity. The parties agreed to the proposal.

The following person was sworn in and given the opportunity to present testimony:

Robert Jones, property owner
Gary Greene, for Arlington County
Jorge G. Flor, for Arlington County

Also present were:

William B. Lawson, Jr., Esq., counsel for Mr. Jones

No exhibits were submitted by the parties to supplement the documents in the Review Board members' agenda package.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision - Appeal of Robert Jones; Appeal No. 16-2:

After deliberation, Mr. Arnold moved that the appeal be continued until the next Review Board meeting. The motion was seconded by Mr. Mays and passed.

Secretary's Report

Mr. McMahan expressed his gratitude and appreciation to Mr. Epperson, on behalf of the Review Board, for his dedicated service and contribution over the past twelve years on the Review Board. Mr. Epperson's resignation from the Review Board becomes effective December 31, 2016. Mr. McMahan also informed the members about upcoming appeals and the next planned Review Board meeting, tentatively planned for January 20, 2017. Mr. Bell updated the Review Board members on several recent appeals in circuit court decisions.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Epperson at approximately 1:30 p.m.

Approved: January 20, 2017

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board